REMARKS

Claims 1-9 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 6-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sommer (WO 00/54531). This rejection is respectfully traversed.

Applicant respectfully submits that Sommer does not anticipate, teach, or suggest claimed invention as recited in claim 1, because Sommer does not disclose a method of optimizing soft handover between RNCs (Radio Network Controllers), comprising:

a. according to the measurement control information provided by a corresponding SRNC of a Node B to which a UE currently belongs, measuring signals of co-frequency neighbor cells by the UE to obtain a measuring result; reporting the measuring result to said SRNC by the UE;

b. making a handover decision according to said measuring result by said SRNC, and determining whether to make a soft handover; if not, then continuing to make handover decision; if yes, then determining whether said SRNC has right to dispatch common resources of a target Node B to which said the current UE is to handover;

c. if yes, applying for required common resources to a specific functional entity that controls said common resources of said target Node B by said

SRNC, and then going to Step d; if not, then initiating a soft handover between RNCs, and ending; and

d. according to status of current use of common resources of said target Node B, responding whether said common resources are available by said specific functional entity, if yes, then establishing a direct connection between said SRNC and said target Node B by said SRNC, and initiating a soft handover within RNC, otherwise, initiating a soft handover between RNCs.

Sommer is at best directed to a method for allocating resources in mobile communication networks. Sommer at best discloses that a part of the resources of a BS is assigned to be controlled by a second RNC, while the rest of the resources of the BS are controlled by the SRNC of the BS. The second RNC is able to allocate the assigned part of the resources of the BS to a MS without signaling negotiation with the SRNC of the BS. Sommer also at best discloses a method of soft handover based on the disclosed methods of resource allocation: where a MS is entering a target cell controlled by a DRNC from a cell controlled by a SRNC, since the SRNC can directly control part of the resources of the target cell, the SRNC can directly allocate some resources of the target cell to the MS without signaling negotiation with the DRNC. Sommer at best describes that a target BS is connected with only one RNC, its controlling RNC, during a soft handover procedure. *See*, Sommer FIGs 8 and 9. After resources of the target cell are allocated to the MS, data from the MS still need to pass through the DRNC (the controlling RNC of the target Node B) in order to reach the SRNC; the SRNC can not communicate with the target BS of the target cell directly. Thus, Sommer at best discloses a soft handover between RNCs.

Applicant's application discloses that a Node B can connect with a plurality of RNCs, e.g., via an IP network. *See*, Figure 4 of the present application. Applicant's application also discloses, where a soft handover between RNCs takes place, the corresponding SRNC can directly request resources of the target Node B from a specific functional entity; the specific functional entity is used for controlling common resources of the target Node B; it can be configured either in the target Node B or in a network server. If the requested resources are available, a direct connection between the SRNC and the target Node B will be established by the SRNC without passing through the DRNC, which controls the target Node B. Thus, during the soft handover procedure, the direct communication between the SRNC and the target Node B enables data to be transmitted between the UE and the SRNC via a shorter path by bypassing the DRNC. A soft handover between two RNCs (SRNC and DRNC) is transformed to a soft handover within the SRNC.

In view of the foregoing, Applicant respectfully submits that claim 1 defines over the art cited by the Examiner. Like wise, claims 6-9, which depend from claim 1, define over the art cited by the Examiner. Thus, Applicant respectfully request that the Examiner withdraw the rejection over 35 USC 102(b).

REJECTION UNDER 35 U.S.C. § 103

Claims 2-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sommer (WO 00/54531) as applied to claim 1 above, and further in view of well known prior art (MPEP 2144.03). This rejection is respectfully traversed.

Applicant respectfully submits that the arguments made above with respect to Sommer apply equally hereto. Further applicant respectfully submits that the combination of Sommer and well known prior art fail to teach or suggest claims 2-4. In view of the foregoing, Applicant respectfully submits that claims 2-4 define over the art cited by the Examiner and respectfully request withdrawal of the same.

Claims 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sommer (WO 00/54531) as applied to claim 1 above, and further in view of Chuah (U.S. 2003/0076803 A1). This rejection is respectfully traversed.

Applicant respectfully submits that the arguments made above with respect to Sommer apply equally hereto. Further applicant respectfully submits that the combination of Sommer and Chuah fail to teach or suggest claim 5.

In view of the foregoing, Applicant respectfully submits that claim 5 define over the art cited by the Examiner and respectfully request withdrawal of the same.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: October 23, 2006

By: /Joseph M. Lafata/
Joseph M. Lafata, Reg. No. 37,166

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

JML/pfd